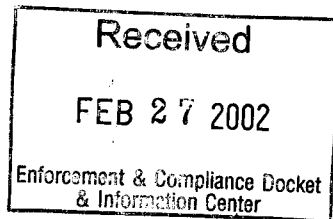


EC-2000-007  
1V-D-102



**WATER SUPPLY DIVISION**  
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February 27, 2002

United States Environmental Protection Agency  
Enforcement and Compliance Docket and Information Ctr.  
(Mail code 2201A)  
Attn: Docket Number EC-2000-007  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Re: State of Vermont Comments on the establishment of Electronic Reporting: Electronic Records; Proposed Rule August 31, 2001

Enforcement and Compliance Docket and Information Center:

Thank you for the opportunity to comment on this proposed rule. The State of Vermont Water Supply Division agrees electronic document submission or record keeping should be entirely voluntary. However, our interpretation of the proposed rule leads us to believe that electronic record keeping would not be considered voluntary because our program and several water systems in the state already keep records electronically. Additionally, the definition of electronic record is too broad and could be interpreted to include any data stored on a computer. The proposed rule, once in effect, mandates records submitted directly to EPA can be only maintained electronically once EPA has approved the changes. Vermont is concerned because we will most likely have to update our computer system and do not have resources or funding available to make such changes.

We would like the regulations to be more general which would give Vermont flexibility in meeting the intent of these rules. Mandated prior review and approval by EPA will decrease flexibility and be burdensome for Vermont. EPA should not require an approval process for electronic reporting and record keeping.

It is unclear to us who would qualify as a "regulated entity." Would this include the laboratories reporting water quality data to the states and water systems or other contractors or nonprofit organizations who collect samples, receive test results, or submit test results or monthly reports for water systems? Currently our authority is to regulate public water systems and not other entities working for the water system.

Reporting of water quality data directly from a laboratory without review and verification

from the water system transfers the responsibility of data ownership from the water system to the laboratory. The water system should have an opportunity to review the data before EPA stores it in a database. The entity reporting the information should have access to review and change the data when necessary such as to amend a lab report. All data not meeting the required quality control parameters should be returned immediately to the entity submitting the data with an explanation of why EPA has rejected the data. How will EPA handle numerous inquiries related to rejected data?

Additionally, direct reporting of results, void of any review and compliance determination from the regulatory agency will give the public a skewed view of the compliance status of a water system. It is inevitable two different data bases will cause confusion for the public. Currently, before data is entered into the Division's data base we review it to ensure a certified laboratory was used, the appropriate test method was used, and accurate administrative information is on the form such as the water system identification number. Also, what data will EPA accept? Only compliance data required under current federal regulations or all data an entity is willing to report? Does EPA really need parametric data for new rule development?

We also have concern with EPA's proposed Central data Exchange (CDX) or another EPA designated system. EPA's track record with electronic reporting systems has been slow to put in place and plagued with problems.

The requirements outlined for the electronic signature need to be significantly simplified.



Jean Nicolai  
<Jeann@dec.anr.stat  
e.vt.us>

02/27/02 01:52 PM  
Please respond to  
jeann

To: docket.oeca@epamail.epa.gov  
cc:  
Subject: Comments on the Electronic Reporting: Electronic Records;  
Proposed Rule August 31, 2001

US EPA Enforcement and Compliance Docket and Information  
Center:

The Vermont Water Supply Division of the Department of  
Environmental Conservation submits the attached comments on  
the Establishment of Electronic Reporting; Electronic Records.

Jean Nicolai  
Compliance and Certification Chief

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